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M E D I A

March 20, 1999

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Dear Ted,

Thank you for your letter of March 10, which arrived yesterday. I have been wondering about the progress of the petition to vacate your guilty plea. I hope that it has been proceeding to your satisfaction. I have not spoken to Bonnie for a couple of weeks, and assume that you are working around the clock.

There is no need to worry about the publication date of *Truth versus Lies*. The rashness of the release to William Glaberson was in fact a tactical decision. I wanted to know well in advance of publication what the status quo response to your book was going to be. I spoke to Bonnie before releasing the book manuscript to him exclusively, because I wanted to know if my reasoning seemed sound to him, and it did. The June publication date—as I told Glaberson, Bonnie, and the AP—is not set in stone. It actually makes more business-sense to publish the book during the colder months. So, if the legal amendments to the manuscript end up taking some back-and-forth, there is time. I have only been interested in getting the thing out per your wishes. *Truth versus Lies* will not come out until you are satisfied with the state in which it is to be distributed. I am guessing that you will not have time to go over the legal queries before May 4, which means that (unless the queries are not time-consuming) the June publication date is not realistic.

David Korzenik has enlisted his partner, Jeffrey Miller, to help with the legal read-through. They have not found too many serious red flags. I have found both Korzenik and Miller to be somewhat too risk-averse, but they are now at least “broken to saddle” after the Mello read-through. I fought to maintain the language, even when they thought it was risky. Miller gave me a for-instance of something he had flagged in your book, to which I objected. You describe Master Murphy as being “prissy.” Miller thought this might cause Murphy to litigate on the grounds that you had defamed him as a homosexual without documentary support of the fact that he was indeed a homosexual. He suggested that you substitute the word with “fastidious.” I countered by arguing that such a change was indicative of the self-censoring *ethos* common to the culture elite. I added that your description is legally an opinion. He concurred and we went

on to the next nit-obsessed item, which I can no longer remember. (Actually I can, but it was likewise tedious.)

I have read the relevant portions of your March 10 letter to Miller regarding the proposed visit to your mother. He offered that such a visit might not be necessary. Upon interrogation, he told me that there were not too many instances of citations that would be construable as copyright infringement, although some of the letters from your brother, and his stories, may require abridgement to make them qualify as fair use. Miller stressed that such edits would in no way compromise the tenor or comprehensiveness of the arguments.

Returning to the proposed visit to your mother, Miller strongly advised against it, since the press will get wind of it and turn me into a mustachio-twirling villain, and the puppet of your desire. I think he is probably right, and I assume that Bisceglie would not hesitate to go public with such an event. It was at this juncture that I had a revelation of sorts. Your brother went public with a lot of your private writing and letters to him. It was a flagrant violation of your privacy, but more importantly, it represents actionable copyright violation. The statute of limitations for copyright violations is three years. We can still serve him with papers. The rationale is simple, we announce that we intend to sue him for 5 million dollars. His lawyer will look into the matter and see that you have a legitimate claim. They will want to settle. I assume that your brother will want to use letters that he has received from you in the projected book announced last year. Well, he will have no chance unless he gives you permission to reprint *all* of the material associated with him in *Truth versus Lies*. Your brother will probably want to make a deal that allows him to use your copyrighted material. This may be a necessary concession. In return for this concession he and your mother will have to waive all rights to take action against you on any grounds with regard to *Truth versus Lies*, and any other book you write in the future. Miller and Korzenik are exploring this matter, and will get back to me soon.

The rest of the legal changes that they want to make are less momentous. They are uncomfortable with your system of abbreviation, since it does not sufficiently protect the people signified from detection. I suggested changing the abbreviations at random. They agreed to this, except in instances where a specific occurrence is mentioned (e.g., mischievous children in your neighborhood, the lab incident, etc). These events may need to be further disguised. There is also a problem with saying that your sources are unreliable after making an allegation. You either have to omit the proviso, or the allegation, in its entirety when this occurs.

Miller warned against alleging that reporters lied about you intentionally. It apparently does not matter if they did, since they will sue for libel (knowing that they are going to lose) in order to go through discovery which will of course give them lots of news stories based on material they could not otherwise access. There are only a few such instances in the book. They cannot be disguised and the word "lie" (which indicates malicious intent) would have to be replaced with something unactionable. Also: there is no point in saying that peripheral characters were liars, since it is courting disaster. Having said this, I could not think of any instances where you do so, but Miller said they existed. He mentioned Waits as one such instance, and I informed him that

Waits is not peripheral. It may be that I can clear those instances up before the actual queries are sent to you, which will make things easier for you.

Miller pointed out a few instances where you report rumors (such as the incarceration of a childhood acquaintance) which need to be verified, disguised or omitted. I was told that "went to jail" could be changed to "came to no good" and there would be no problem. Also: dead people cannot sue, so please indicate whether anyone who is discussed in *Truth versus Lies* has died.

Finally, we need to verify (through due diligence) exactly who spoke publicly and who didn't. In addition, we *must* read the following: Dr. Meister's deposition, the investigator reports, a portion of the letters from your mother and brother. I will try to get these documents from Quin Denvir, or at least inquire as to their whereabouts. The complete list of queries will be finished soon, and I will of course send them to you when they are ready.

March 20.

I am now back in the office (it is Saturday). I rode my bicycle to work over the Williamsburg Bridge. The sun was shining and there was only the slightest nip in the air that mattered little since I was moving at a good clip. (I have a Czech one-speed (back-pedal brakes) that used to be red (gold-red after brushing the rust off). It is called a "Rapido.") Before coming to the office, I met with Lydia Eccles. She is an interesting woman, who doubtless understands your values very well. She claims to suffer from psychiatric problems, although there were none in evidence. I told her that she perhaps was suffering from feelings of isolation because it is difficult to find people who understand society's inner-machinations, and still more difficult to find such people who are rational. Spoke of Ellul and Marcuse's essay "Repressive Tolerance," in a more or less meandering way, drawing some parallels to ISIF.

Lydia has recently written to the INS to request "alien" status. I tried to help her with a strategy that would force the INS to answer her query. Can a citizen of the U.S. cease to be a citizen without becoming a citizen of another country? Background: Every country of the world claims a certain proprietorship over those born within their territory, which "entitles" the citizen to conditions of wage slavery, *et al.* What if you do not want to be a citizen of *any* country? She is willing to continue paying taxes, etc, for this change of status. I think it would make an interesting book topic if she chose to expand on the reactions of the INS and other agencies to create a rational illustration of human bondage. (I ran the idea past a few friends after meeting Lydia, and all but one said that they would apply for alien status were it available.) In short, I enjoyed talking to her. I wish she were a little more comfortable in her own skin...

By now you should know (although I suppose you may not), that I have had several conversations with . . . We have become friends over the telephone, and I think she will call me with questions regarding the Waits maneuvers.

Here are the latest developments: Waits claims to have seen both the mss of *Truth versus Lies* and Scharlette Holdman's declaration. I do not know how he could have seen either, and think that he is lying. He claims that a reporter read parts of the declaration to him over the telephone. I have sent the declaration to Mello and no one else. Have you sent it to anyone? As for the mss of your book, I think he must be lying. He apparently said (on local TV) that it was "full of lies." It seems this man is digging his own grave, and he has become like a pebble stuck in my shoe (i.e., I have ceased to feel it, but know it is still there). On the positive side, Betsy Anderson will be making a formal complaint to the *III*, which they will be forced to print. It will challenge Waits's veracity with regard to the sections in which she is mentioned. Michael Donahoe has told me over the phone that you never put CW on the visitor list, and did not know who he was when he came to see you. I asked him to write a letter to me in which the matter was discussed (he did not), but Anderson told me that a telephone conversation was sufficient, and reporters could call and verify my story. So, that's good.

I didn't mind the piece by Jim Brooke too much. Although it was canted, there was a general harmlessness to it — and it does start from the thesis that you were a pioneer in the monkey-wrenching school of activism. It is unfortunate that Waits's book was mentioned, but I have been following sales on the Internet, and there has not been any change, up or down. (I cannot give you a number here, since the site I have been visiting gives a number rank.) As for your general treatment by the media, I contend that you have received slightly less canted treatment. *USA Today* ran a story titled: "Kaczynski Calls Brother Judas." It is the first time they did not write "Unabomber." This will be a slow process, but things *are* getting better. It is unusual to get the *NYTimes* to print a story like the one Glaberson wrote. It discusses radicalism, and although it tends to make you sound unreasonable, many radicals would recognize such a story as a coup.

Regarding my message about your letter to the *Missoulian*, I said that you could include the *Missoulian* letter in *Truth versus Lies* if you found it desirable. I also suggested that we post the letter on the Internet at your discretion. I would not go ahead with something like that without first having been told to do so by you directly or via Bonnie. Also: I have nailed down a list of contractual concessions from *60 Minutes*, which I sent to Bonnie, and we can deal with that after the May 4 deadline.

I hope this note finds you well. I miss your more discursive letters, and wish you swift and excellent progress for the coming months.

Yours,

Beau.